

# Halton District School Board

## *Operational Policies/Procedures*

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<b>NUMBER:</b>	<i>to be determined</i>
<b>TOPIC:</b>	<b>Faith Accommodations</b>
<b>EFFECTIVE:</b>	<b>February 2004</b>
<b>CROSS-REFERENCE:</b>	<b>PPM 112</b>
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<b>RESPONSIBILITY:</b>	<b>Director of Education</b>

### **Accommodation of Faith Requirements, Practices and Observances**

*“Religious pluralism poses a challenge in any multicultural society, especially in one as diverse as ours. Although law is developing rapidly in this area, an informed spirit of tolerance and compromise is indispensable to any civil society, as well as to its capacity to make opportunities available to everyone, on equal terms, regardless of creed”*

(Ontario Human Rights: Policy Guidelines on Creed and the Accommodation of Religious Observances)

### **POLICY STATEMENT:**

The Halton District School Board based on its Mission and Guiding Principles is committed to providing the highest quality of education which prepares our students for success as responsible, participating citizens of the global community. HDSB believes a system wide commitment to diversity competency is a crucial component of establishing itself as an inclusive learning organization prepared to serve a growing diverse population of students, parents and staff now and in the future.

The Board recognizes that certain groups in society receive inequitable treatment because of individual and systemic biases related to differences in: race, colour, ethnicity, linguistic origin, faith, ancestry, nationality, place of origin, religion, age, ability, gender, sex, sexual orientation, socio-economic status, family status, and marital status. The Board is committed to countering this bias by promoting fairness, equity and inclusion are principles of our system which are reflected into all our policies, programs, operations, practices and curricula.

### **PREAMBLE / INTRODUCTION:**

#### **Legislative and Policy Context**

The Halton District School Board recognizes and values the freedom of Religion and freedom from discriminatory or harassing behaviour based on The Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code.

#### **Accommodation Based on Request and Limitations**

The Halton District School Board will take reasonable steps to provide accommodation to an individual member of a religious group who states that the Board’s operations or requirements interfere with their ability to exercise their religious beliefs and practices. The Board will balance this decision based on: undue hardship, cost of the accommodation, health and safety risks to the individual and others, the effect of the accommodation on the Board’s ability to fulfill it’s duties under the Board policies and the Education Act.

The Board will limit practices and conduct in its schools which may put public safety, health, or the human rights and freedoms of others at risk.

### **Unresolved Requests**

The Halton District School Board will take reasonable steps to address the unresolved issues raised by the affected individual.

### **Definitions**

#### *“Accommodations”*

The Halton District School Board defines accommodation as an duty to meet the special needs of individuals and groups protected by the Ontario Human Rights Code up to the point of undue hardship.

***“The Code provides the right to be free from discrimination and there is a general corresponding duty to protect the right: the “duty to accommodate”. The duty arises when a person’s religious beliefs conflict with a requirement, qualification or practice. The code imposes a duty to accommodate based on the needs of the group of which the person is making the request is a member. Accommodation may modify the rule or make an exception all or part of it for the person requesting accommodation.”***

(Policy on Creed and the Accommodation of Religious Observances, Ontario Human Rights Commission, Oct. 20, 1996. p. 5)

#### *“Creed”*

“Creed means a religion or faith. It includes the practices, beliefs, and observances that are part of a religion. It does not include personal moral, ethical or political views.

Religions that promote violence or hatred towards others, or that violate criminal law, are not protected by the Code.

(Protecting Religious Rights, Ontario Human Rights Commission, 1999. p.2)

***“Creed does not necessarily mean a belief in a God, or gods or a supreme being. It includes Aboriginal spirituality and newer religions (assessed by Ontario Human Rights Commission on a case-by case basis).”***

(Policy on Creed and the Accommodation of Religious Observances, Ontario Human Rights Commission, Oct. 20, 1996. p. 2)

#### *Diversity of Faith Observances within a Faith Group*

Although faith observances are based on a generally accepted practices as defined by a faith group, the Halton District School Board recognizes members of faith groups are not homogeneous in their understanding, interpretation and practice of their faith.

### **PROCEDURES**

#### Areas of Accommodation

***For detailed description of each faith group please refer to the Toronto District School Board Guidelines and Procedures for the Accommodations of Religious Requirements, Practices and Observances Appendix 1 and the Ontario Multifaith Handbook available in the media library at the JW Singleton Education Centre.***

These are some common areas of accommodation an individual may request:

- A1 Observance of major religious holy days and celebrations
- A2 School opening and closing exercises
- A3 Prayer

- A4 Dietary Requirements
- A5 Fasting
- A6 Religious Attire
- A7 Modesty requirements in Physical Education
- A8 Participation in daily activities, curriculum and program
  
- B. Distribution of Faith Based Literature to Students by Outside Organizations
- C. Specific details about each religion

Schools can work together with parents and students to build trust and understanding about various faith accommodations. It is not the role of the school to monitor a child's compliance with a particular observance.

## **A. General Guidelines and Procedures for Faith Accommodations**

### *Observing Religious Days of Significance*

The Education Act, Section 21:2 (g) establishes that "A child is excused from attendance at school if he/she is absent on a day regarded as a holy day by the church or religious denomination to which he/she belongs."

Staff and students should be allowed to leave without having to undergo unnecessary hardship in the request of the leave.

#### **Staff:**

- Should advise administration at the beginning of the school year or at the earliest time possible.
- Absences of employees due to religious observance should be granted as determined by the appropriate collective agreements.
- The Human Resources Department with The Diversity Coordinator will verify the day requested on the Halton District School Board Multifaith Days of Significance Calendar and the Ontario Multifaith Handbook. The individual may be requested to provide a note from their place of worship to assist in this process.

#### **Students:**

- Students under the age of 18 must provide a written note from their parents indicating the religious days they will be absent from school and will be marked with a G day. Students 18 and older may provide their own note.
- This notice should be made at the earliest point possible in the school year to avoid potential conflicts with summative and evaluative experiences.
- Student handbooks, parent newsletters and school announcements should include information about religious days of significance procedures.
- Schools must make every reasonable effort to be aware of the religious observances of their staff, students and community when planning school activities, examination schedules, school concerts, parent interview dates, field trips and other events.
- As a minimum schools are strongly recommended to recognize the days of significance which represents students or staff members and are encouraged to recognize many days of significance to reflect Canada's diverse population. These can include but are not limited to: announcements, a display, a bulletin board, a poster, student work, assembly, school event.
- Schools are encouraged to recognize all the days of significance on the Halton District School Board Days of Significance Calendar through announcements, bulletin

board displays, displays, assemblies and other events as appropriate to each school setting and student demographics.

- In the case of an absence for a religious holy day a summative or evaluative experience should be re-scheduled.
- The Halton District School Board Days of Significance Calendar is published each year in the spring by the Diversity Coordinator in the Director's Office. (see example included in appendix.)

### *Recognizing Days of Religious and Cultural Significance as a School*

The Ministry of Education for the Province of Ontario in Policy/Program Memorandum No. 112, dated January 1, 1991, is clear about the place of religion in the public elementary and secondary schools in this province.

*In its decision of January 30, 1990, the Ontario Court of Appeal made it very clear that subsection 28(4) of Regulation 262 was invalid because it permitted the teaching of a single religious tradition as if it were the exclusive means through which to develop moral thinking and behaviour. The Court also ruled that education designed to teach about religion and to foster moral values without indoctrination in a particular religious faith would not contravene the charter.*

In distinguishing between religious indoctrination and education about religion, the Court made the following statement:

*While this is an easy test to state, the line between indoctrination and education, in some instances, can be difficult to draw. With this in mind, it may be of assistance to refer to the following more detailed statement of the distinction:*

- ◆ *The school may sponsor the study of religion, but may not sponsor the practice of religion.*
- ◆ *The school may expose students to all religious views, but may not impose any particular view.*
- ◆ *The School's approach to religion is one of instruction, not one of indoctrination.*
- ◆ *The function of the school is to educate about all religions, not to convert to any one religion.*
- ◆ *The school's approach is academic not devotional.*
- ◆ *The school should study what all people believe, but should not teach a student what to believe.*
- ◆ *The school should strive for student awareness of all religions, but should not press for student acceptance of any one religion.*
- ◆ *The school should seek to inform the student about various beliefs, but should not seek to conform him or her to any one belief.*

### **Guiding Principles**

The law allows for teaching about religion, however, Board practices must be implemented in a manner which is equitable to all groups.

It is not appropriate to use such language as "celebrate" for one religious holiday while "acknowledging" other religious events or festivals.

For example, it is not the intent to take Christmas out of the schools. Rather it is intended “*that schools provide an environment that marginalizes no one, and where every student can share their beliefs in a manner that is fair, educational and truly accepting of all.*”

(Karen Mock, National Director, League for Human Rights)

## Guidelines

- ◆ **Recognition** is the intent of including any religious event in a school program. Recognition can occur through festivals, concerts and other activities, however, explanations should accompany any activity or display.
  - ◆ Celebrations of religious events, by Ministry direction, are not to be included in school program.
  - ◆ The intent of recognizing any religious holiday or event is to **educate**, not indoctrinate.
  - ◆ All days of religious significance as defined in the Halton District School Board Calendar of Significant Days should be recognized—to the degree it is appropriate in each school setting.
  - ◆ **Sensitivity** is very important — as with any subject of a controversial nature an opting-out option is available.
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## Questions and Answers

In this section we have printed most of the typical questions received from staff related to this issue. Hopefully, these answers will assist you in processing these guidelines.

### *A1 Recognition of Days with Religious and Cultural Significance*

#### 1. **Can a school display Santa Claus?**

Yes. Santa Claus is a symbol of the Christmas season, but it is not the only symbol of celebrations in that season. Symbols associated with the special days of other religions should be displayed at that time of the year when they are recognized.

#### 2. **Can a school display the Nativity scene?**

Yes. A display for any faith can be exhibited. Such a display would constitute part of the educational component described in the suggestions above.

However, it is strongly recommended a display of only one religion during the school year would not be consistent with the expectations of the Board policy and Ministry direction.

A display for any religion should be accompanied with an appropriate explanation of the meaning of the day or event; why it is being recognized.

#### 3. **What general approach to the December holiday season would be recommended?**

When planning an inclusive celebration of multifaith/cultural traditions and celebrations it is important to include both the faith based traditions as well as the secular (for example Christmas). This helps to keep a balance so that other faith based traditions may be presented equitably that have no secular version. For example: Rosh Hashana, Diwali, Ramadan, Eid, Naw Ruz, Vasaiki, and Ridvan

It is recommended that many faith and cultural days of significance are recognized during their season and with authenticity throughout the school year to build a sense of respect for differences, global awareness and equity in the school's culture.

It is important to demonstrate the common bonds and principles between each while respecting and valuing their differences.

It is not appropriate to avoid recognizing traditions because you fear you cannot recognize everything to the same degree. Our intention to be inclusive is as important as the apparent

“fairness” factor. Some faith traditions in Canada are highly developed with many resources and materials (books, posters, etc..) to represent them, some others are still growing.

**4. Is every student expected to attend and/or participate in events or activities related to the recognition of days with religious significance?**

Students who conscientiously object to what they consider to be a “controversial issue” may be exempt. Students may not exempt themselves from a human rights, respect for differences or anti-discrimination approach to any tradition or celebration. (For example a Muslim student might be exempt from decorating the Christmas tree in the front hall, but can learn why Christians celebrate Christmas to respect their difference).

**5. I work at an Education Centre. Am I expected to recognize each religious day as defined on our calendar?**

The expectation for all staff is that they will be aware of the day and respect its significance in our yearly schedule.

**6. What should be done about other events, e.g., a Christmas dance for students or staff?**

When an inclusive event is planned which includes more than one faith or cultural tradition it is recommended to call it something that describes the collective theme. For example it is recommended to call an inclusive concert a “Winter Traditions Concert”, “All About Us” concert or a “Festival of Lights” depending on the season.

If Christmas is the only tradition being recognized at the event it is permissible to call it a “Christmas” event, however the Board recommends that there be a balance of diverse traditions represented throughout the school year as well.

It is important to be accurate and authentic when we represent faith based events. For example: a “holiday bush” is not an appropriate term for a “Christmas tree”. Just as a display of a prayer rug as a symbol for Eid-ul-Fitr would not be called a “holiday rug”.

**7. Is Hallowe’en an event which falls under these guidelines?**

Yes. Although Hallowe’en is a secular event for some it is a faith based event for others. It occurs on October 31<sup>st</sup>, the event precedes All Saints’ Day and it was formerly believed that the spirits of the past appeared. Some members of the Wiccan and other faith communities still attribute those meanings to the day. For some it is simply a time when some children dress up in costumes and have fun with their peers. As always children who have particular faith based sensitivity to participating in Hallowe’en activities may be provided with an alternative program. (ex. some Christian, Muslim children may request this as a faith accommodation)

**A2. Opening and Closing Exercises**

A student or individual who objects to all or part of opening or closing exercises due to religious beliefs will be exempted and given the option not to participate and to remain the class or in an agreed-upon location.

*A3 Prayer*

Schools should make every reasonable effort to accommodate the requirements for daily prayer by providing an appropriate location within the building for prayer when requested by students or staff.

Some accommodation for late school arrival and/or early school leaving may be necessary. Prayer times change in some religions according to the seasons.

*A4 Dietary Requirements*

Schools should be aware of dietary restrictions of various religious groups. This includes menus provided by catering firms, snacks in elementary schools, catering for special occasions and community events, breakfast and lunch programs, overnight outdoor education activities as well as field trips that cover a meal time period. Availability of vegetarian options is recommended.

*A5 Fasting*

Schools should accommodate students and staff with respect to religious fasting observances. Appropriate space other than the cafeteria or lunchroom should be designated during lunch period for fasting students. Field trip plans should also consider the needs of fasting students. Students might need exemptions or alteration of activities in some classes ex. physical education.

*A6 Religious Attire*

Students who wish to wear religious attire including but not limited to: hairstyles, Yarmulkes, turbans, hijab (headscarves), crucifixes, Stars of David should be respected.

There are specific religious communities that require specific items of ceremonial dress which may be perceived as contravening Board policies for example: the wearing of Kirpans by Sikh students. Refer to Appendix 1, page 54 for accommodation procedures

Staff should be aware that harassment based on religious attire is one the most common forms of harassment. Staff can set a proactive positive climate of understanding and respect for differences.

*A7 Modesty Requirements for Physical Education*

When a family requests an accommodation for dress code for participation in physical education the school and family should discuss the Ministry of Education mandated expectations and find a mutually agreeable accommodation.

Safety must be considered in the accommodation of dress: for example a head scarf can be tucked into clothing, track pants may be worn instead of shorts in some situations but not where bare knees are required (for example on the climbers for Gymnastics).

*A8 Participation in Daily Activities, Curriculum and Program*

When an accommodation is requested related to the content of curriculum and/or program it is important to have an open discussion between the parents/ guardians and the school.

The school should protect students and staff from harassment and discrimination that arises because of the observance of their religion that sets them apart from the school routines and activities. The Board cannot accommodate religious values and beliefs that conflict with Board policies.

The accommodation applies to the individual who requests it , not the whole class or classroom practices in general.

*B. Distribution of faith based literature, resources to students by outside organizations*

If approached to distribute faith based literature or resources to students that does not connect to a curriculum expectation please contact the Diversity Coordinator for specific assistance. Faith literature (ex. Bibles, Torahs, Qur'ans, etc...) may not be distributed during class time. A permission note must be sent home and teachers must neither encourage nor discourage the return of the permission form. Members of a faith community are not permitted to distribute the materials. Distribution should take place outside of class time and in not in the classroom.

*C. Specific Details about Each Religion*

For specific details on each religion please refer to the TDSB Guidelines and Procedures for the Accommodation of Religious Requirements, Practices and Observances appendix 1 and/or the Ontario Multifaith Handbook. Both can be found in the Media Library at the JWS Centre.

*The Halton District School Board Diversity Coordinator may be contacted for more information.*